

**52 Employee within the meaning of the Statute**

An “employee” is defined in section 7103(a)(2) of the Statute as an individual employed by an “agency,” with certain specific exceptions. The definition of employee is very broad and has been applied to a wide variety of federal positions established in accordance with various laws and regulations. Inquiry into the status of individuals as “employees” is not limited to questions of whether a particular exception in section 7103(a)(2) applies to the position(s) at issue. The threshold question in any case involving the status of individuals as “employees” is whether the employees are employed by an “agency” as defined in section 7103(a)(3).

***For specific examples and guidance, see RCL 16.***

***The following information is relevant in developing evidence on this issue:***

- 1) Documentation and testimony showing which entity is the employer of the individuals at issue in the petition.
- 2) Documentation showing whether the employer is an executive agency of the federal government, a sub-component of a federal agency or other governmental entity.
- 3) Documentation and testimony describing the relationship between the employer and a federal agency.
- 4) Where specifically applicable to a particular exception in section 7103(a)(3):
  - a) Documentation and testimony showing the geographic location of the position(s) at issue and the citizenship status of the individual(s) occupying the position(s);
  - b) Documentation and testimony showing whether individual(s) occupying the position(s) at issue are military members; and
  - c) Evidence as to whether the individual(s) are supervisors or management officials; see *HOG 62-Supervisors* and *HOG 58-Management Officials*.

